

17557. Misbranding of potatoes. U. S. v. John B. Conrad. Plea of guilty. Fine, \$25. (F. & D. No. 19762. I. S. No. 6989-x.)

Sample sacks of potatoes from the herein described interstate shipment having been weighed and found to contain less than 150 pounds, the weight declared on the label, the Secretary of Agriculture reported the facts to the United States attorney for the Western District of New York.

On July 6, 1926, the said United States attorney filed in the District Court of the United States for the district aforesaid an information against John B. Conrad, Wayland, N. Y., alleging shipment by said defendant, in violation of the food and drugs act as amended, on or about January 7, 1926, from the State of New York into the State of New Jersey, of a quantity of potatoes which were misbranded. The article was labeled in part: "Potatoes—150 Lbs. Net When Packed, J. B. Conrad, Wayland, N. Y."

It was alleged in the information that the article was misbranded in that the statement "150 Lbs. Net," borne on the sacks containing the said article, was false and misleading; and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser, since the said sacks contained less than 150 pounds net of the article. Misbranding was alleged for the further reason that the article was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On July 9, 1930, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$25.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17558. Adulteration of canned sweetpotatoes. U. S. v. 54 Cases of Sweet-potatoes. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 24736. I. S. No. 027851. S. No. 3092.)

Samples of the canned sweetpotatoes from the herein described interstate shipment having been found to be decomposed, the Secretary of Agriculture reported the matter to the United States attorney for the Eastern District of New York.

On April 26, 1930, the said United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 54 cases of canned sweetpotatoes at Brooklyn, N. Y., alleging that the article had been shipped by Insley & Mitchell, from Salisbury, Md., on or about February 15, 1930, and transported from the State of Maryland to the State of New York, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "I & M Brand Sweet Potatoes Packed by Insley & Mitchell, Salisbury, Md."

It was alleged in the libel that the article was adulterated in that it consisted in whole or in part of a filthy, decomposed, or putrid vegetable substance.

On July 1, 1930, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17559. Misbranding of alfalfa meal. U. S. v. 997 Bags of Alfalfa Meal. Decree of condemnation and forfeiture. Product released upon deposit of collateral. (F. & D. No. 24780. I. S. No. 022970. S. No. 3142.)

Samples of alfalfa meal from the herein described interstate shipment having been found to contain less crude protein than declared on the label, the Secretary of Agriculture reported the facts to the United States attorney for the District of Massachusetts.

On June 9, 1930, the said United States attorney filed in the District Court of the United States aforesaid a libel praying seizure and condemnation of 997 bags of alfalfa meal, remaining in the original unbroken packages at Boston, Mass., alleging that the article had been shipped by Russell & Macaulay, from Sacramento, Calif., on or about May 2, 1930, and had been transported from the State of California into the State of Massachusetts, and charging misbranding in violation of the food and drugs act. The article was labeled in part: "Alfalfa Meal * * * Manufactured by Russell & Macaulay, Sacramento, California, Guaranteed Analysis Crude Protein, not less than 17%."

It was alleged in the libel that the article was misbranded in that the statement on the label, "Crude Protein, not less than 17%," was false and misleading and deceived and misled the purchaser when applied to an article which contained a less amount of protein.

On June 12, 1930, Louis E. Page, agent for Russell & Macaulay, Sacramento, Calif., having appeared as claimant for the property and having admitted the

allegations of the libel, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the deposit of \$500 in lieu of bond, conditioned in part that it be relabeled under the supervision of this department to show the true protein content.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17560. Adulteration and misbranding of lemon oil. U. S. v. 6 Cans of Italian Lemon Oil. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 24770. I. S. No. 020818. S. No. 3126.)

An examination of oil from the herein described interstate shipment having shown that it consisted of cottonseed oil containing a trace of lemon oil and that the cans were short weight, the Secretary of Agriculture reported the facts to the United States attorney for the Eastern District of Michigan.

On May 16, 1930, the said United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 6 cans of Italian lemon oil at Detroit, Mich., alleging that the article had been shipped by David Kleckner, New York, N. Y., on December 17, 1930, and had been transported from the State of New York into the State of Michigan, and charging adulteration and misbranding in violation of the food and drugs act as amended. The article was labeled in part: "Distributed by Kleckner's Italian Lemon Oil 1 Lb. Net."

It was alleged in the libel that the article was adulterated in that cottonseed oil had been mixed and packed therewith so as to reduce or lower or injuriously affect its quality or strength, and had been substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the statements on the label, "Italian Lemon Oil" and "1 Lb. Net," were false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was offered for sale under the distinctive name of another article, namely, lemon oil; and for the further reason that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statement made was incorrect.

On June 12, 1930, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17561. Adulteration and misbranding of canned tuna fish. U. S. v. 50 Cases of Canned Tuna Fish. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 24474. I. S. No. 029895. S. No. 2707.)

Samples of canned tuna fish from the herein described interstate shipment having been found to be short weight and to contain decomposed fish, the Secretary of Agriculture reported the facts to the United States attorney for the Southern District of Mississippi.

On January 23, 1930, the said United States attorney filed in the District Court of the United States aforesaid a libel praying seizure and condemnation of 50 cases of canned tuna fish, remaining in the original unbroken packages at Hattiesburg, Miss., consigned by the Cohn-Hopkins Co., from Los Angeles, Calif., alleging that the article had been shipped from Los Angeles, Calif., on or about October 26, 1929, and had been transported from the State of California into the State of Mississippi, and charging misbranding in violation of the food and drugs act as amended. Subsequently a supplemental libel was filed charging that the product was also adulterated. The article was labeled in part: (Can) "White Seal Brand California Tuna Light Meat, Contents 7 oz., Packed by Cohn-Hopkins Inc., Quality Packers, San Diego, California."

It was alleged in the libel as amended that the article was adulterated in that it consisted in whole and in part of a filthy, decomposed, and putrid (animal) substance.

Misbranding was alleged for the reason that the article was labeled so as to deceive and mislead the purchaser, since the said cans did not each contain 7 ounces of the product. Misbranding was alleged for the further reason that the article was food in package form and was not plainly and conspicuously branded on the outside of the package to show the quantity of its contents.